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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,817	09/22/2003	Nathan Snell	34297	1027

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EXAMINER	
STONE, JENNIFER A	

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/667,817	SNELL ET AL.	
	Examiner	Art Unit	
	Jennifer A Stone	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 7-19* is/are rejected.

7)☒ Claim(s) *5,6 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *February 23, 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show text labeling for items 24, 26, 60, and 62 in figures 4, 5, and 6 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 11, "actuator provides an iconic instruction for an individual not to touch the proximity detector".

Claim Rejections - 35 USC § 112

3. Claims 16 and 19 recite the limitation "said proximity zones" in line 2 (claim 16) and lines 2 and 3 (claim 19). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Houten et al. (US Re. 36,930).

Houten discloses an actuator comprising a proximity sensor capable of detecting the presence of an individual in at least one proximity zone (col 5, lns 31-34; col 8, lns 29-32; Fig. 8, item 64) and further comprising at least one

individual iconic instruction (col 7, lns 16-21; Figs 5 and 6) corresponding to said proximity zone.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling (US 6,292,100) and further in view of Tsutsumi et al. (US 5,963,00) and Houten et al. (US Re. 36,930).

For claim 1, Dowling discloses an apparatus for opening a swinging door comprising (col 1, lns 3-6 and 48-50): an actuator (alarm indicator) further comprising at least one proximity sensor for detecting at least one proximity zone (col 1, lns 56-65; Fig. 1, item 6). Dowling, however, discloses neither a control unit nor iconic instructions. Tsutsumi, on the other hand, discloses a control unit in electronic communication with a power assisted drive mechanism in electronic communication with said control unit wherein said power assisted drive mechanism operates to open said door through the reverse activation of a conventional door (col 2, lns 21-32; Fig. 6, items 4, 5). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include proximity sensors to not only sense an individual on an opposing side of

a door, but to automatically open a door for an individual for convenience purposes. Even though Dowling discloses indicator instructions representing red/green lights for pedestrian stop/go traffic (col 2, lns 16-21), Dowling does not disclose icons. Houten, however, does disclose this feature (col 5, lns 9-19; Fig. 5-7). It would have been obvious to include icons to indicate pedestrian instructions for pedestrians who are unaware of the conventional traffic light system or those who are illiterate.

For claim 2, Dowling discloses the proximity detector to detect the proximity of an individual (col 1, lns 56-58; item 6).

For claim 3, Dowling discloses the proximity detector display provides instructions to an individual based on the proximity of the individual to the proximity detector (col 2, lns 16-21) However, Houten discloses the feature of iconic instructions (col 5, lns 31-34; col 7, lns 16-21; Figs. 5 and 6). It would have been obvious to include icons to indicate pedestrian instructions for pedestrians who are unaware of the conventional traffic light system or those who are illiterate.

For claim 4, Dowling discloses a door opening apparatus wherein the proximity display provides an audible signal based on the proximity of the individual to the actuator (col 1, lns 59-65).

For claim 7, Dowling discloses the proximity detector a sufficient distance from the inward swinging door to prevent the individual from impeding the opening door (col 2, lns 16 and 17).

8. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling (US 6,292,100) and further in view of Tsutsumi et al. (US 5,963,00) and Houten et al. (US Re. 36,930).

For claim 8, Dowling discloses a method for opening an inward swinging door comprising (col 1, lns 48-50): an actuator further comprising a proximity sensor, having a plurality of proximity zones corresponding to individual instructions comprising a display (col 2, lns 16-21). The remainder of claim 8 is interpreted and rejected for the same reasons as stated in the rejection of claim 1. In addition, it is obvious that the doors disclosed by Dowling, Tsutsumi, and Houten are applied to restroom doors where status indicators on either side of the door are critical to individual safety.

For claim 9, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 10, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

For claim 11, Dowling provides an indicator instruction for an individual not to touch the proximity detector area; however, Dowling does not instruct an individual to not touch the proximity detector (col 1, lns 59-65; col 2, lns 16-21). It would have been obvious for one's safety to not touch the proximity area, but to also avoid touching the detector since the detector is located adjacent to the proximity area. In addition, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above, regarding the iconic instruction, as disclosed by Houten.

For claim 12, Dowling discloses providing an indicator instruction (green light) for an individual to perform an affirmative action (such as proceed through door) (col 1, lns 59-65; col 2, lns 16-21) within a first detection area. However, Dowling does not cause an actuator to activate the control unit within a second proximity detection area. Tsutsumi discloses an affirmative action (such as stepping through a second proximity zone; col 2, lns 28-33) to cause an actuator (door) to activate the control unit (door controller) (col 11, lns 35-45). However, in order to prevent injury, it would have been obvious to first provide a status indicator of a door and then for convenience purposes, provide a second detection area that automatically opens a door. In addition, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above, regarding the iconic instruction, as disclosed by Houten.

For claim 13, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 12 as stated above. In addition, neither Dowling nor Tsutsumi disclose an affirmative action to comprise waving a hand proximate to the actuator; however, Tsutsumi discloses an affirmative action to include a moving human's body proximate to an actuator. Therefore, it would be obvious that both forms of body movements are sufficient affirmative actions that will trigger the actuator.

For claim 14, Dowling discloses an actuator in a location sufficient to prevent the individual from impeding the opening of said door (col 2, lns 16 and 17).

10. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houten et al. (US Re. 36,930) and further in view of Dowling (US 6,292,100).

For claim 16, Houten discloses a proximity zone that corresponds to a preset distance of the individual from the actuator (col 8, lns 29-32 - the distance is between the motion detector and the curb). However, more than one proximity zone is not disclosed. Dowling, on the other hand, discloses proximity zones that correspond to a preset distance of an individual from the actuator (col 1, lns 59-67; col 2, lns 1-6; Fig. 1, item 6; col 2, lns). It would have been obvious to include multiple proximity zones to trigger a message appropriate for each zone, such as conventional red light/green light indicators on each side of the door (col 2, lns 16-21). The indicators enhance personal safety by alerting an individual approaching a swinging door of activity on the opposite side of the door.

For claim 19, Houten discloses initiating an audible signal upon an individual's presence in a proximity zone (col 9, lns 24-30); however, Houten discloses only one proximity zone. Dowling discloses a plurality of proximity zones (col 1, lns 66 and 67; col 2, lns 1-6). It would have been obvious to incorporate more than one proximity zone that triggers an audible message appropriate for each zone to enhance safety within more than one proximity zone such as each side of a doorway.

For claim 17, Houten discloses an actuator wherein an individual's presence in a first zone initiates an iconic signal to draw an individual's attention to an actuator (col 5, lns 9-19 and 31-34); however, the iconic signal does not

instruct an individual to not touch the actuator. Dowling, on the other hand, does include an indicator (col 2, lns 16-21) to instruct an individual to not enter the swinging doorway zone (Fig. 1, item 6) where an individual's action includes touching the actuator (door or door knob). It would have been obvious to include a do not touch instruction so that an individual will not be injured by a swinging door.

For claim 18, Houten includes only one proximity zone; however, Dowling discloses an individual's presence in a second zone (col 1, lns 66 and 67; col 2, lns 1-6) initiates an indicator (col 2, lns 16-21) instructing an individual to make an affirmative action (either stop/go) in proximity to said actuator. It would have been obvious to instruct an individual to make an affirmative action to avoid personal injury.

Allowable Subject Matter

11. Claims 5, 6, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Burnett (US 6,741,183) discloses an appliance-warning device to warn of the status of an oven or dishwasher door.

Applonie (US 5,670,945) discloses two proximity detection areas that detect hand washing, generate an alarm if hand washing is not performed, and unlock a door if hand washing is performed.

Knapp et al. (US 4,951,045) discloses a sign alerting pedestrians according to their location.

Bogstad (US 4,896,144) discloses activating a door upon the detection of hand washing.

Crump (US 4,642,612) discloses an alarm system for intruders where an appropriate alarm is emitted based on intruder location.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone
January 13, 2005

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600